

MINUTES
GENERAL ISSUES COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TX
August 18, 2011 – 9:30 A.M.

Call to Order. Committee Chair Daniel Wong, Ph.D., P.E., called the General Issues Committee meeting to order at 9:31 a.m. on August 18, 2011, at the Texas Board of Professional Engineers (TBPE), 1917 South IH-35, Austin, Texas. (Note: All votes are unanimous unless otherwise indicated.)

1. Roll call and welcome visitors.

Daniel Wong, Ph.D., P.E.	Chair
Carry A. Baker	Member
Bobby Balli, P.E.	Member
Gary W. Raba, D. Eng., P.E.	Member

Mr. Edmundo Gonzalez, P.E., Emeritus Board member was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Pipho, MPA	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
David Howell, P.E.	Director of Licensing
Dewey Helmcamp, III, JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

Visitors. Al Kosik, P.E., Texas Department of Transportation (TxDOT); Trish Smith, Texas Society of Professional Engineers (TSPE) Executive Director; Peyton McKnight, Texas Council of Engineering Companies (TCEC); Sam Nelson, P.E., Texas Department of Insurance (TDI), Marianne Baker, TDI Staff Attorney; Elizabeth Ret, TDI Staff Attorney; Steve Augustine, TDI Staff Attorney.

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING (AGENDA ITEMS 3-7):

3. Discuss and possibly approve the May 18, 2011, General Issues Committee Minutes.

It was MOVED/SECONDED (Balli/Baker) to approve the May 18, 2011, General Issues Committee Minutes. A vote was taken, and the MOTION PASSED.

4. Discuss and possibly act on the following rule adoptions.

- **§137.5—Notification of Address Change, Employer Change, and Criminal Convictions.** The proposed rule added the requirement that a licensee must notify the Board about a name change. One public comment was received indicating that the commenter believed the Board was discriminating against women for requesting court documentation (in the form of a divorce decree) be submitted to the Board for a name change. Mr. Howell responded to the commenter that documentation requirements are applied to all licensees equally. Mr. Howell asked Mr. Helmcamp, staff attorney, to look into this matter, and Mr. Helmcamp discovered that since the Texas Department of Public Safety already requires the same court documentation when changing names, the Board can accept a valid Texas driver's license as an official document. The comment was addressed in the preamble of the rule. No change to the proposed rule was made.
- **§137.9—Renewal for Expired License.** This proposed change makes the rule consistent with the current statute which states that the TBPE may not renew the license of an individual with delinquent student loan(s). There were no comments on the proposed rule.

It was MOVED/SECONDED (Balli/Baker) to recommend to the Board at its Regular Quarterly Board meeting on August 18, 2011, to adopt §§137.5—Notification of Address Change, Employer Change, and Criminal Convictions, and §137.9—Renewal for Expired License as presented. A vote was taken and the MOTION PASSED.

5. **Discuss and possibly act on the following rule proposals.**

- **§131.15—Committees.** This proposed rule change will implement changes made by House Bill 2284 which passed during the 82nd Legislative Session, which abolishes the Joint Advisory Committee from the statute. This proposal will remove references to the committee from the Board rules.

It was MOVED/SECONDED (Baker/Raba) to recommend to the Board at its Regular Quarterly Board meeting on August 18, 2011, to approve that §131.15—Committees be posted in the Texas Register as presented. A vote was taken and the MOTION PASSED.

- **§137.19—Engineers Qualified to be Texas Windstorm Inspectors.** This rule proposal will implement requirements of House Bill 3 which passed during the special session of the 82nd Legislative Session. The bill has an effective date of September 28, 2011, and requires the Board to adopt a rule by December 1, 2011. The Committee discussed the qualifications which will be set by the Board. TBPE staff has been working with TDI staff to develop the process. The Committee also discussed related enforcement rules and sanctions. Mr. Nelson from TDI addressed the Committee and commended staff for being open to working closely with TDI. He added that meetings between the two agencies have been productive and both agencies are working together to make this process work.

It was MOVED/SECONDED (Balli/Raba) to recommend to the Board at its Regular Quarterly Board meeting on August 18, 2011, to post §137.9, Engineers Qualified to be Texas Windstorm Inspectors in the Texas Register as presented. A vote was taken and the MOTION PASSED.

6. **Update on Sunset Review.** Ms. Pipho gave an update on the upcoming Sunset Review. She mentioned that the self evaluation report is being completed. At this time, staff did not have information as to when the actual review will start.
7. **Issues for consideration and schedule next meeting.**
None.

Adjourn.

It was MOVED/SECONDED (Balli/Baker) to adjourn the meeting at 10:02 am. A vote was taken, and the MOTION PASSED.

Date Committee approved minutes as submitted:
Date Board accepted minutes:

November 17, 2011
November 17, 2011